

Remarks

This is intended to be a complete response to the Examiner's office action dated February 8, 2005.

35 USC § 112 Rejection

In the office action of February 8, 2005 the Examiner rejected claims 1-11 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. In support thereof the Examiner stated that:

In Claim 1, the phrase "the elongated member" lacks proper antecedent basis.

Applicant respectfully submits that claim 1 has been amended to provide proper antecedent basis for the phrase "the elongated member." Therefore, it is respectfully submitted that the before-stated rejection has been overcome and Applicant requests that the 35 U.S.C. § 112 rejection be withdrawn.

Rejection of Claims 1-3 Under 35 USC § 102

In the Office Action dated February 8, 2005 the Examiner rejected claims 1- 3 under 35 U.S.C. 102(b) as being anticipated by Huang. In support thereof the Examiner stated:

Huang shows a frame (10); a support member attached to the frame for a defining a seat portion (11), a transition portion and a back portion (12), the frame selectively movable between a collapsed position and an operative position, in the operative position a portion of the frame supporting the back portion of the

support member is substantially vertically disposed and extends upward to the back portion of the support member; and umbrella (21), a shaft of the umbrella having a distal end portion; and a pivot assembly (30) for detachably connection the distal end portion of the shaft of the umbrella to an upper of an elongated member (32) such that the umbrella can be selectively disposed in predetermined positions relative to the frame of the chair assembly. Huang further shows the use of a first locking member (33) having a plurality of teeth (324) connected to an upwardly extending end of the elongated member (32) and the use of a second locking member (34) having teeth (342) therewith to mesh with the teeth of the first locking member. The second locking member is located on a tubular extension which receives the distal end of the umbrella.

The Applicant respectfully traverses this rejection as applicable to the amended claims. Claim 1, as amended, and thus claims 2-3 which depend from claim 1, recite an elongated member detachably connected to a right upright member of the back support frame and a pivot assembly for detachably connecting the distal end portion of the shaft of an umbrella to an upper end of the elongated member.

It is respectfully submitted that Huang does not disclose, teach or even suggest an elongated member connected to an upright member of the back support frame with a pivot assembly connected to the elongated member. Huang teaches attaching the pivot assembly directly to the chair and attaching the umbrella to the pivot assembly. Thus, at least one advantage of the claimed invention over Huang is that when the user of the current invention detaches the elongated member from the chair, the elongated member and the umbrella are still connected via the pivot assembly. Therefore, the user of the current invention still has a viable working umbrella having a pivot assembly

that could be used, for instance, as a beach umbrella that pivots.

When a user detaches the umbrella in Huang from the chair the user loses the advantage of the pivot assembly. Therefore, Applicant respectfully submits that the Huang reference does not teach each and every element of claim 1. Thus, the Applicant's claims 1-3 are not anticipated by Huang. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the aforementioned 35 U.S.C. § 102(b) rejection as applicable to the amended claims now pending.

Rejection of Claims 4 - 9 Under 35 USC § 103

In the Office Action dated February 8, 2005 the Examiner rejected claims 4-9 under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Iglesias. In support thereof the Examiner stated:

Huang shows the frame including the left and right arm rests (Fig. 1) formed a plurality of legs extending at angle to form an arm support. Huang further shows the back support (12) having a left and right upright members, whereby the elongated member may inherently be attached thereto. Huang shows all the teachings of the claimed invention except the use of a plurality of shoes, each connected to a distal end of a respective leg to provide stability. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the chair of Huang with the shoes as taught by Iglesias in order to provide stability to user when the chair is on uneven surfaces.

Applicant respectfully traverses the rejection as applicable to the amended claims. Claims 4-9 depend from claim 1 and as such dependent claims 4-9 include each and every element and limitation of amended claim 1.

As previously discussed, independent claim 1 recites an elongated

member detachably connected to a right upright member of the back support frame and a pivot assembly for detachably connecting the distal end portion of the shaft of an umbrella to an upper end of the elongated member. Huang does not teach a pivot assembly connected to an elongated member. Huang teaches attaching the pivot assembly directly to the chair. Iglesias does not supply this deficiency. Neither Huang or Iglesias, alone or in combination, teach, disclose or even suggest an elongated member detachably connected to an right upright member of a back support frame.

Therefore, Applicant submits that claims 4-9 are not unpatentable under 35 U.S.C. § 103(a) over Huang in view of Iglesias. It is respectfully requested that the Examiner reconsider and withdraw the 35 U.S.C. § 103(a) rejection of claims 4-9.

Rejection of Claims 10 -11 Under 35 USC § 103

In the Office Action dated February 8, 2005 the Examiner rejected claims 10 - 11 under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Iglesias as applied to claim 4 and further in view of Moceri. In support thereof the Examiner stated:

Huang in view of Iglesias shows all of the teachings of the claimed invention except the use of a net for covering the chair and umbrella as well as a lamp for providing light. Moceri shows the conventional use of a net (11) covering a chair and a lamp (66) to provide light to a user. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the chair as taught by Huang in view of Iglesias, with the net and lamp, as taught by Moceri in order to protect the user from insects while providing light during evening use.

Applicant respectfully traverses the 35 U.S.C. § 103 rejection as applicable to the amended claims 10-11. Claims 10-11 depend from claim 1 and, as such, include each and every element and limitation of amended claim 1.

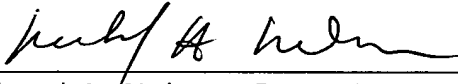
As previously discussed, claim 1, recites an elongated member detachably connected to a right upright member of a back support frame with a pivot assembly connected to the elongated member. Iglesias does not supply this deficiency. Neither Huang, Iglesias nor Mocerri alone or in combination disclose, teach or suggest an elongated member detachably connected to a right upright member of a back support frame with a pivot assembly connected to the elongated member.

Therefore, Applicant submits claims 10-11 are not unpatentable under 35 U.S.C. § 103(a) over Huang in view of Iglesias and further, in view of Mocerri. It is respectfully requested that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of claims 10 and 11.

Conclusion

The Applicant respectfully submits that the claims as now amended are in a condition for allowance and Applicant requests issuance of a Notice of Allowance. This amendment is intended to be a complete response to the Office Action mailed February 8, 2005. Applicant's Attorney would welcome the opportunity to discuss this Amendment with the Examiner should the Examiner have any questions.

Respectfully submitted,



Richard A. Nelson, Reg. No. 45,995
DUNLAP, CODDING & ROGERS, P.C.
P.O. Box 16370
Oklahoma City, Oklahoma 73113
Customer No. 30589
Telephone: (405) 607-8600
Facsimile: (405) 607-8686

Attorney for Applicant